

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RODNEY J. YANKE,

Plaintiff,

vs.

CHASE HOME FINANCE, INC., DBA
WASHINGTON MUTUAL BANK,
FA, CALIFORNIA RECONVEYANCE
COMPANY, A California corporation,

Defendants.

2:-11-CV-00126-PMP-RJJ

ORDER

Before the Court for consideration are Defendants' Motion to Dismiss (Doc. #9) and Plaintiff's Motion for Injunction Prohibiting Negative Credit Reporting by Defendants (Doc. #16). Both motions are fully briefed.

Having considered the arguments presented at the hearing conducted July 18, 2011, the Court finds that Plaintiff's Motion for Injunction Prohibiting Negative Credit Reporting by Defendants (Doc. #16) must be denied. Specifically, as noted in Defendants' Opposition, Plaintiff has put forth no basis to add JP Morgan Chase as a Co-defendant in this action. Moreover, Plaintiff has failed to demonstrate that there is a likelihood of success on the merits of his claim that Defendants have violated any provision of the FCRA.

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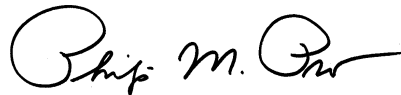
1 The Court further finds that Defendants' Motion to Dismiss (Doc. #9) must
2 be granted with leave to Plaintiff to Amend his Complaint if he can do so with regard
3 to his first claim for relief for insurance fraud.

4 As argued in Defendants' Motion to Dismiss, Plaintiff has failed to state a
5 claim for breach of contract, unjust enrichment, or predatory lending, and has also
6 failed to demonstrate an entitlement to injunctive relief. It is unclear whether
7 Plaintiff can articulate a claim for insurance fraud. While the court remains skeptical
8 that Plaintiff can do so based upon the arguments advanced by Defendants in their
9 Motion to Dismiss, the Court finds it appropriate to grant Plaintiff leave to attempt to
10 do so.

11 **IT IS THEREFORE ORDERED** that Plaintiff's Motion for Injunction
12 Prohibiting Negative Credit Reporting by Defendants (Doc. #16) is **DENIED**.

13 **IT IS FURTHER ORDERED** that Defendants' Motion to Dismiss
14 Plaintiff's Complaint (Doc. #9) is **GRANTED**, provided that Plaintiff shall have to
15 and including **August 18, 2011**, within which to file an Amended Complaint to state
16 a claim for insurance fraud if he can do so.

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18 DATED: July 19, 2011.

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PHILIP M. PRO
United States District Judge